

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 18-20489

Hon. Thomas L. Ludington

vs.

JAMES D. PIERON, JR.

Defendant.

_____ /

MOTION TO WITHDRAW AS COUNSEL

NOW COMES Kenneth R. Sasse, one of the attorneys for the Defendant, James D. Pieron, Jr., and moves this Court to allow him to withdraw as counsel for Mr. Pieron for the reasons stated in the attached Memorandum.

Counsel has contacted Assistant U.S. Attorney Janet L. Parker and understands that the Government concurs in the relief requested herein.

Respectfully submitted,

Kenneth R. Sasse P24365
Local counsel for James Pieron, Jr.
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Telephone: (248) 821-7325

Dated: May 24, 2019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 18-20489

Hon. Thomas L. Ludington

vs.

JAMES D. PIERON, JR.

Defendant.

_____ /

**MEMORANDUM IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL**

Kenneth R. Sasse, one of the attorneys for the Defendant, James D. Pieron, Jr., is moving this Court to allow him to withdraw as counsel for Mr. Pieron.

Movant has participated as one of the attorneys for Mr. Pieron since shortly before the return of the Indictment in this matter. He participated in pretrial meetings and related matters with Mr. Pieron and was present during, and a participant in, the jury trial.

Recently a Motion For New Trial (ECF No. 68) was filed on behalf of Mr. Pieron. This motion argues, in part, that a new trial should be granted because of a denial of Mr. Pieron's Sixth Amendment right to the effective assistance of counsel. Because Movant was a part of the defense team at the time of the events

giving rise to this claim occurred, because of the possibility of an evidentiary hearing wherein Movant might be required to testify, and because of the resulting possibility of a conflict of interest, Movant is requesting to be relieved of his obligation to continue in his representation of Mr. Pieron.

Local Court Rule 57.1 governs the appearance and withdrawal of attorneys in criminal cases. That rule provides:

- (a) An attorney, whether retained or appointed, who enters a post-indictment appearance shall continue to represent the defendant until the case is dismissed, the Defendant is acquitted, or the direct appeal is completed unless the attorney is granted leave to withdraw by the District Court or the Court of Appeals if notice of appeal has been filed.
- (b) An attorney who has appeared in a criminal case may thereafter withdraw only by written motion served upon the defendant personally or at the defendant's last-known address and upon all other parties. The Court may deny a motion to withdraw if the attorney's withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interest of justice.
- (c) The United States Attorney shall advise the Clerk of the District Judge to whom the case is assigned regarding any change in the attorney for the United States responsible for the prosecution.

Id.

Movant submits that his request for withdrawal satisfies the local rule. Trial has already occurred and withdrawal should not result in any other delay in proceeding with this case. The government concurs in the withdrawal and presumably will not be prejudiced by it. Mr. Pieron is represented by other

counsel who are expected to advocate forcefully and effectively on his behalf.

Movant is not aware of anything in his withdrawal that would “otherwise not be in the interest of justice” within the meaning of the local rule.

Movant’s withdrawal as counsel should be permitted.

Respectfully submitted,

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Telephone: (248) 821-7325

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2019 I electronically filed the attached Motion To Withdraw As Counsel using the ECF system which will send notification of the filing to all counsel of record included in the ECF system and sent a copy of the motion via email and via First Class Mail to James Pieron, Jr.

s/ Kenneth R. Sasse

Kenneth R. Sasse P24365

Local counsel for James Pieron, Jr.

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Dated: May 24, 2019